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**UNITED STATES BANKRUPTCY COURT
IN THE WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION**

In re: Rusty Harmon Troutz AND Amy Michelle Troutz	§	Case No. 21-70148-tmd
	§	(Chapter 13)
	§	
	§	
Carvana, LLC, their successors and/or assigns, Creditor	§	
	§	
	§	
vs.	§	
	§	
Rusty Harmon Troutz and Amy Michelle Troutz, Debtor and Gary Norwood, Trustee, Respondents	§	

OBJECTION TO CONFIRMATION BY CARVANA, LLC

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Carvana, LLC (hereinafter Creditor), a secured creditor herein, and pursuant to 11 U.S.C. §§ 1322(b)(2), 1324 and 1325(a)(5), and Bankruptcy Rule 3015(f) files this, its Objection to Debtor(s) proposed Chapter 13 Plan (hereinafter Plan), and in support thereof would respectfully show the Court as follows:

I. BACKGROUND

1. Rusty Harmon Troutz and Amy Michelle Troutz, the Debtor(s) (hereinafter Debtor), commenced the above captioned Chapter 13 case on 09/30/2021. Gary Norwood is the duly appointed and acting Chapter 13 Trustee.
2. Creditor has a perfected purchase money security interest in a 2019 Chevrolet Equinox, VIN# 2GNAXKEVXK6186468.
3. The total secured claim due and owing to Creditor as of the Petition Date was \$21,594.04

as evidenced by Creditor's secured proof of claim 12-1 (hereinafter Proof of Claim) on file in this case.

II. OBJECTION TO PROPOSED PLAN

4. Creditor objects to confirmation of the Plan because the Plan does not provide for Creditor's claim when Creditor is entitled to full payment of its secured pre-petition claim pursuant to the loan documents in the amount of \$21,594.04. Creditor therefore objects to Debtor(s) proposed treatment of its secured claim.

5. Furthermore, Creditor objects to confirmation of the Plan under 11 U.S.C. § 1325(a)(6) because Debtors' current Schedule J reflects a surplus of \$1,379.67, which is only enough to fund the current trustee payment of \$1,380.00. There also does not appear to be enough income surplus to fund Creditor's claim. Creditor therefore further Objects to Debtors' plan based on lack of feasibility.

6. Because Creditor was forced to file this Objection to Confirmation to protect its secured interest in the subject real property, it has incurred reasonable attorneys' fees.

WHEREFORE, PREMISES CONSIDERED, Creditor prays that this Court deny confirmation of the Plan proposed by the Debtor(s), award attorneys' fees and costs, and grant Creditor such other and further relief, at law and in equity, as is just.

Respectfully submitted,

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By: /s/ Stephen Wu
Stephen Wu (Bar No. 24042396)

Michael W. Zientz (Bar No. 24003232)
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Chelsea Schneider (Bar No. 24079820)

ATTORNEY FOR CREDITOR

Certificate of Service

I, Stephen Wu, do hereby certify on November 4, 2021, a copy of this motion was served on the persons listed below in the manner indicated.

By: /s/ Stephen Wu

Michael W. Zientz (Bar No. 24003232)
Jessica L. Holt (Bar No. 24078680)
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Movant's Counsel

Via Pre-Paid U.S. Mail:
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